

City Council Workshop

Encroachments

Department of Park and Recreation

July 26, 2016



Overview

2

Current City Ordinance 9.03.250

Storage of personal property on park property prohibited.

It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in or upon any park property.

Overview continued

- Current Ordinance is not specific regarding encroachments on park property and has proven unenforceable for protection of park land. There are currently numerous encroachments on park land throughout the City.
- With the assistance of the Law Department, ordinance amendments have been presented to the Board of Park Commissioners in 2015 and 2016, approved on March 14, 2016.
- First presentation to the City Council occurred June 14, 2016.

Parks Restricted by Federal Funding

The following Parks are **NOT ELIGIBLE** for Permits for Encroachment due to restrictions of federal funding programs:

Land Water Conservation Fund Development

Boston	Brownthrush
Buffalo	Cessna, East and West
Chisholm Creek	Evergreen
Harvest	Harrison
Kiwanis	Linwood, North and South
McAdams	McDonald
Orchard	Osage
Pawnee Prairie	Planeview
Redbarn	Riverside
Sim	Southview
Stearman	Swanson
Sycamore	Watson
West Douglas	Wichita Skate Park

Housing and Urban

Dr. Glen Dey
Emporia
Evergreen
Murdock
Piatt
Planeview
Spruce

Southlakes Park



Southlakes Park



Southlakes Park

All Items located in Southlakes Park



Southlakes Park



Entire Shed and portion of Chicken enclosure with a Rooster on Park Property

Southlakes Park

9



Southlakes Park

10



Burning trash in the park



Firebreak

Swanson Park

11



South Woodland Park

12



Resident is using the Park as regular entrance to the backyard of property and for storage/debris.

Chisholm Creek Park

13



Pipe and wire fence creates a pasture inside Chisholm Creek Park.

The Meadows

14



The Meadows

15



Cypress Park

16



Pawnee Prairie Park

17



All Items on Park Property

Pawnee Prairie Park

18



Sunset Park

19



Several large gardens, wood fence extending into the park and a utility shed on Park property

College Hill Park

20



Riverside Park

21



Leon Robinson

22



The fence line is established by all residents three to four feet into the park. A land survey would be required to determine if there is an error in property boundary markings.

Public Safety

23



Southlakes

Planting blocks the street-end barrier causing a Traffic Hazard. Trees behind the barrier are in the firebreak.



College Hill

Planting in right of way blocks traffic sight lines

Unintended Consequences

Safety Hazards;

- trip, impalement, unsafe items left in park

Diversion of storm water drainage

creates flooding on private property

Loss of recreational space



Abandoned Encroachments

Block Fire Breaks

Liability

Soft Encroachments

25



Does not impede use of the park and is maintained

The Meadows

Extends two feet into the park at the fence line and is maintained



Sunset Park

Soft Encroachments

26



Eastview Park

Proposal

- The new ordinance establishes a process for encroachment removal and a permitting process
- The new ordinance provides criminal penalties to enforce encroachment removal
- No permit will be allowed for parks with land restrictions, such as: parks created with Land and Water Conservation funds, Housing and Urban Development- Parks in Cities funds, etc.
- Any encroachments for commercial purposes must be removed

Proposal

- New encroachments will not be eligible
- Permits will only be valid under current ownership
- Existing encroachments may be eligible for a permit and approval process with established guidelines
- This permit would carry an annual fee of \$200, in addition to a one time application and filing charge

Proposal

- The permit holder must acquire general liability insurance and agree to hold harmless the City of Wichita for any issues arising from the encroachment
- To apply for a permit there is a \$25 one time application fee and the applicant must enter into a memorandum of encroachment permit agreement to be filed, for a one time \$50 fee, with Sedgwick County

Encroachments

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Fence is Property Line